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BELL, BOYD & LLOYD, LLP				OBISESAN, AUGUSTINE KUNLE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,560	KAWATE ET AL.	
	<b>Examiner</b> AUGUSTINE OBISESAN	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 29 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1 - 41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 - 41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is in response to the amendment filed on 8/29/2008 in which claims 1 – 41 are presented for further examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 - 41 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

#### ***Remarks***

4. As per claim 1, applicant argues in substance in pages 17 – 19 that neither Ikeda (US 6,195,503) nor Fujita (US 5,933,570) alone or in combination, do not anticipate or render obvious setting information necessary for non-destructive editing actual data to a low-level hierarchical block of a middle-level hierarchical management information block, wherein a stream in which video data serving as a stream and sound data

serving as a stream are multiplexed to one piece of said actual data to form said actual data block.

**Examiner disagrees.**

In response to applicant's argument, Examiner respectively respond that the combine teaching of Ikeda (US 6,195,503) and Fujita (US 5,933,570) fully teaches setting information necessary for non-destructive editing actual data to a low-level hierarchical block of a middle-level hierarchical management information block (Fujita: abstract, col.15 lines 29 – 67; *The CPU 41 generates recording area data or the file management information specifying a recording area taken up by each of the video data recorded in the data storage device 60V and the speech data recorded on the data storage device 60A on the recording medium (hard disc or the like) of each of the data storage device 60V and 60A, and col.16 lines 1 – 67*), wherein a stream in which video data serving as a stream and sound data serving as a stream are multiplexed to one piece of said actual data to form said actual data block (Ikeda: fig.6 and col.2 lines 13 – 32; *multiplexing means for multiplexing compressed data for the still picture and the sound compressed by the compression means*).

Examiner interprets "specifying an area for management information" is "setting information necessary for non-destructive editing actual data to a low-level hierarchical block of a middle-level hierarchical management information block" and "multiplexing still picture and sound" is "multiplexing video and sound data to one piece of said actual data to form said actual data block" as claimed.

5. Thus, Examiner maintains the rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 3, 7 – 9, 15 – 18, 23, 26 – 27, 30 – 31, and 35 – 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al (US 6,195,503), in view of Fujita (US 5,933,570).

**As Per claim 1, Ikeda et al discloses,**

**A file recording device for recording actual data in a recording medium as a file with a predetermined format** (abstract and col.3 lines 7 - 36) where recording image and sound on the computer is “recording actual data in a predetermine format” as claimed.

**wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block** (abstract,

Fig.4a and col.5 lines 32 – 63) where control area is “management information block area” as claimed.

**wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block** (Fig.4b and col.6 lines 4 - 15)

and wherein said file recording device assigns a stream in which video data serving as a stream and sound data serving as a stream are multiplexed to one piece of said actual data to form said actual data block (abstract, Fig.1, and col.2 lines 13 – 32) where multiplex means multiplexing still image and sound is “multiplexing video data and audio data” as claimed.

**forms said middle-level hierarchical management information block corresponding to said multiplexed stream** (Fig.4b and col.6 lines 4 – 15)  
**sets information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and information necessary for reproducing said sound data serving as said stream to the low-level hierarchical block of the middle-level hierarchical management information block,** (Fig.4b and col.6 lines 4 – 15)

and records said multiplexed stream in said recording medium as a file with said format (Fig.6 and col.2 lines 13 – 32) where recording the multiplex output is “records

“said multiplex stream” as claimed, Ikeda does not specifically disclose information necessary for non-destructive editing. Said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and sets information necessary for non-destructive editing said actual data to the low-level hierarchical block of the middle-level hierarchical management information block. However, Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and sets information necessary for non-destructive editing said actual data to the low-level hierarchical block of the middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

**As per claim 2, the rejection of claim 1 is incorporated and further Ikeda et al discloses,**

**wherein information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and information necessary for reproducing said sound data serving as said**

**stream are set to said low-level hierarchical block as the extended data of said low-level hierarchical block (Fig.4b and col.6 lines 4 – 15)**

**As per claim 3, the rejection of claim 2 is incorporated and further Ikedo et al discloses,**

**wherein the information necessary for reproducing said multiplexed stream is separated into system information relating to basic information, and system auxiliary information relating to auxiliary information, which are set to said low-level hierarchical block as each entry respectively (Fig.4b and col.6 lines 4 – 15).**

**As per claim 7, the rejection of claim 1 is incorporated and further Ikedo discloses,**

**wherein control information for controlling each stream making up said multiplexed stream is assigned to said actual data block as one piece of actual data (abstract, Fig.1, and col.3 lines 13 - 55)**

**and the middle-level hierarchical management information block corresponding to said control information is set (Fig.4b and col.6 lines 4 – 15)**

**As per claim 8, the rejection of claim 7 is incorporated and further Ikedo discloses,**

**wherein said control information is information which instructs output or non-output of reproduction results regarding each of said respective streams**

(abstract, Fig.1, and col.3 lines 13 - 55) where controller control decompression and reproduction is "control information instructing output and non-output of reproduction results" as claimed.

**As per claim 9, Ikeda et al discloses,**

**A file reproducing device for reproducing and outputting a file recorded in a predetermined recording medium** (abstract and col.3 lines 7 - 36) where reproducing image and sound is "reproducing and outputting recorded file" as claimed. **wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block** (abstract, Fig.4a and col.5 lines 32 – 63) where control area is "management information block area" as claimed.

**wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block** (Fig.4b and col.6 lines 4 - 15) where control area having area for information necessary for reproducing the image and sound data is "dividing management information block" as claimed.

**a stream in which video data serving as a stream and sound data serving as a stream are multiplexed is assigned to one piece of said actual data to form said actual data block** (Fig.4b and col.6 lines 4 – 15) where multiplexing image and sound data to produce multiplexing output is "multiplexing video and sound data to form actual data" as claimed.

**said middle-level hierarchical management information block corresponding to said multiplexed stream is formed** (Fig.4b and col.6 lines 4 – 15) **information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and information necessary for reproducing said sound data serving as said stream are set to the low-level hierarchical block of the middle-level hierarchical management information block** (Fig.4b and col.6 lines 4 – 15) and wherein said file reproducing device processes the data of said file to be reproduced from said recording medium based on said information necessary for reproduction set to said low-level hierarchical block to reproduce said video data serving as said stream and said sound data serving as said stream (Fig.4b and col.6 lines 4 – 15) where using the correspondence information to reproduce the file is "processing of the file from the recording medium" as claimed, kedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to the low-level hierarchical block of the middle-level hierarchical management

information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

**As per claim 15, the rejection of claim 9 is incorporated and further Ikeda discloses,**

**wherein based on the control information to be provided in said actual data block, which controls each stream making up said multiplexed stream, reproduction of said corresponding stream is controlled** (abstract and col.6 lines 4 – 14) where control area corresponding to the information to be reproduced is “control information control reproduction of corresponding stream” as claimed.

**As per claim 16, the rejection of claim 15 is incorporated and further Ikeda discloses,**

**wherein control of reproduction of said corresponding stream is control of output or non-output of reproduction results** (col.4 lines 4 – 61).

**As per claim 17, Ikeda disclose,**

**A file editing device for editing a file with a predetermined format** (abstract and col.3 lines 7 - 36) where reproducing image and sound is "reproducing and outputting recorded file" as claimed.

**wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block** (abstract, Fig.4a and col.5 lines 32 – 63) where control area is "management information block area" as claimed.

**wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block** (Fig.4b and col.6 lines 4 - 15) where control area having area for information necessary for reproducing the image and sound data is "dividing management information block" as claimed.

**a stream in which video data serving as a stream and sound data serving as a stream are multiplexed is assigned to one piece of said actual data to form said actual data block** (Fig.4b and col.6 lines 4 – 15) where multiplexing image and

sound data to produce multiplexing output is "multiplexing video and sound data to form actual data" as claimed.

**said middle-level hierarchical management information block corresponding to said multiplexed stream is formed, information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, information necessary for reproducing said sound data serving as said stream are set to the low-level hierarchical block of the middle-level hierarchical management information block, and wherein said file editing device processes said file based on said information necessary for reproduction set to said low-level hierarchical block** (Fig.4b and col.6 lines 4 – 15) where using the correspondence information to reproduce the file is "processing of the file from the recording medium" as claimed, kedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to low-level hierarchical block of the middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for

non-destructive editing said actual data is set to low-level hierarchical block of the middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

**As per claim 18, the rejection of claim 17 is incorporated and further Ikeda discloses,**

**wherein determination is made regarding whether or not said file is editable based on said information necessary for reproduction set to said low-level hierarchical block (fig.4a, fig.4b, abstract, and col.3 lines 7 - 36).**

**Claims 23 and 26 are** file recording method claim corresponding to the file recording device claims 1 and 7 respectively, and rejected under the same reason set forth in connection to the rejection of claims 1 and 7 respectively above.

**Claims 27 and 30 are** file reproducing method claim corresponding to the file reproducing device claims 9 and 15 respectively, and rejected under the same reason set forth in connection to the rejection of claims 9 and 15 respectively above.

**Claim 31** is a file editing method claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

**Claim 35** is a file recording program claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above.

**Claim 36** is a file reproducing program claim corresponding to the file reproducing device claim 9, and rejected under the same reason set forth in connection to the rejection of claim 9 above.

**Claim 37** is a file editing program claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

**Claim 38** is a recording medium storing program file claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above

**Claim 39** is a file reproducing medium claim corresponding to the file reproducing device claim 9, and rejected under the same reason set forth in connection to the rejection of claim 9 above.

**Claim 40** is a file editing program claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

**Claim 41** is a recording medium claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 – 6, 13 – 14, 21 – 22, 25, 29, and 33 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al (US 6,195,503), in view of Fujita (US 5,933,570), and further in view of Murase et al (US 6,285,826).

**As per claim 5, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose priority information which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block. However, Murase in an analogous art disclose the above limitation (col.5 lines 1 - 19 and col.6 lines 23 - 56) where management information comprises of reproduction path is "priority of information indicate priority at the time—of reproduction" as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Murase into the combine

teaching of Ikeda and Fujita to include priority information which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**As per claim 6, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose priority information which indicates the priority at the time of reproducing the corresponding actual data is set for each said actual data. However, Murase in an analogous art disclose the above limitation (col.5 lines 1 - 19 and col.6 lines 23 - 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Murase into combine teaching of Ikeda and Fujita to include priority information which indicates the priority at the time of reproducing the corresponding actual data is set for each said actual data. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**As per claim 13, Ikeda et al discloses,** management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for

non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose a stream to be reproduced is selected based on the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream. However, Murase in an analogous art disclose the above limitation (col.5 lines 1 - 19 and col.6 lines 23 - 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Murase into the combine teaching of Ikeda and Fujita to include a stream to be reproduced is selected based on the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**As per claim 14, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data

(abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose based on the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream, said stream is subjected to mixing. However, Murase in an analogous art disclose the above limitation (col.5 lines 1 - 19 and col.6 lines 23 - 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Murase into the combine teaching of Ikeda and Fujita to include based on the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream, said stream is subjected to mixing. The modification would be

obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**Claims 21 and 22** are file editing device claim corresponding to the file recording device claims 5 and 6 respectively, and rejected under the same reason set forth in connection to the rejection of claims 5 and 6 respectively above.

**Claim 25** is a file recording method claim corresponding to the file recording device claim 5, and rejected under the same reason set forth in connection to the rejection of claim 5 above.

**Claim 29** is a file reproducing method claim corresponding to the file reproducing device claim 13, and rejected under the same reason set forth in connection to the rejection of claim 13 above.

**Claims 33 and 34** are file editing method claim corresponding to the file reproducing device claims 5 and 6 respectively, and rejected under the same reason set forth in connection to the rejection of claims 5 and 6 respectively above.

8. Claims 4, 10, 11 - 12, 19 - 20, 24, 28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al (US 6,195,503), in view of Fujita (US 5,933,570), and further in view of Suzuki (US 5,751,356).

**As per claim 4, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose identification information which indicated video data is encoding using open GOP or close GOP. However, Suzuki in an analogous art disclose the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine

teaching of Ikeda and Fujita to include identification information which indicated video data is encoding using open GOP or close GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**As per claim 10, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose a file having difficulty in reproduction is detected based on said information necessary for reproduction set to said low-level hierarchical block. However, Suzuki in an analogous art discloses the above limitation (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching of Ikeda and Fujita to include file having difficulty in reproduction is detected based on said information necessary for reproduction set to said low-level hierarchical block. The modification would be obvious because one of ordinary skill in the art would be motivated to reduce the load impose on processor thereby increase the performance of the system.

**As per claim 11, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said

middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose identification information which indicated video data is encoding using open GOP or close GOP. However, Suzuki in an analogous art discloses the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching Ikeda and Fujita to include identification information which indicated video data is encoding using open GOP or close GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**As per claim 12, Ikeda et al discloses**, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikeda does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikeda to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikeda nor Fujita disclose determination is made regarding whether or not the file is reproducible based on the identification information set to said low-level hierarchical block, which indicates whether said video data serving as said stream is data which has been subjected to encoding processing using closed GOP, or data which has been subjected to encoding processing using open GOP. However, Suzuki in an analogous art discloses the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching of Ikeda and Fujita to include determination is made regarding whether or not the file is reproducible based on the identification information set to said low-level hierarchical block, which indicates whether said video data serving as said stream is data which has been subjected to encoding processing using closed GOP, or data which has been subjected to encoding processing using open GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

**Claims 19 and 20** are file editing device claim corresponding to the file reproducing device claims 11 and 12 respectively, and rejected under the same reason set forth in connection to the rejection of claims 11 and 12 respectively above.

**Claim 24** is a file recording method claim corresponding to the file recording device claim 4, and rejected under the same reason set forth in connection to the rejection of claim 4 above.

**Claim 28** is a file reproducing method claim corresponding to the file reproducing device claim 11, and rejected under the same reason set forth in connection to the rejection of claim 11 above.

**Claim 32** is a file editing method claim corresponding to the file reproducing device claim 11, and rejected under the same reason set forth in connection to the rejection of claim 11 above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Recording medium having recording program recorded therein,  
US 2003/0212703 author: Yoshioka.

TITLE: System of sharing objects having a plurality of contents,

US 2001/0010049 authors: Otomo et al.

TITLE: Reproducing apparatus and reproducing method,

US 2005/0196128 authors: Hirose et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUGUSTINE OBISESAN whose telephone number is (571)272-2020. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner, Art Unit 2169

/J. M. C./

/Pierre M. Vital/  
Supervisory Patent Examiner, Art Unit 2169